

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

GLORIA NIEVES and EMILIO NIEVES,

Plaintiffs,

V.

ACME MARKETS, INC., a Delaware corporation §
d/b/a Acme Markets No. 7816, ACME MARKETS, §
INC., a Delaware Corporation d/b/a Acme Markets §
No. 7836, ACME MARKETS, INC., a Pennsylvania §
Corporation, d/b/a Acme Markets No. 7816, §
ACME MARKETS, INC., a Pennsylvania §
Corporation d/b/a Acme Markets No. 7836, §

Defendants.

[illegible]

C.A. Number: 06-123 GMS

Trial by Jury Demanded

MOTION TO WITHDRAW

Attorneys for Plaintiffs, Biggs and Battaglia, hereby move this Court for leave to withdraw as the attorneys representing the Plaintiffs, pursuant to local rule 83.7, on the grounds that there have arisen disagreements between the Plaintiffs and Biggs and Battaglia which cannot be resolved and which make it impossible for Biggs and Battaglia to represent these Plaintiffs any further in this litigation.

The position of Plaintiffs with respect to this motion is unclear. Defendants do not oppose this motion but would oppose any changes to the Scheduling Order.

BIGGS AND BATTAGLIA

/s/ Victor F. Battaglia
Victor F. Battaglia, Sr.(ID# 156)
921 Orange Street
Wilmington DE 19801
(302) 655-9677
VictorSr@batlaw.com
Attorney for Plaintiffs

BIGGS AND BATTAGLIA

/s/ Philip B. Bartoshesky (#2056)
Philip B. Bartoshesky, Esquire
921 Orange Street
Wilmington, DE 19801
(302) 655-9677
Pbarto@batlaw.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Philip B. Bartoshesky, hereby certify that on this 20th day of April, 2007, the MOTION TO WITHDRAW was served by e-file upon the following, as well as by the methods indicated below:

By hand delivery:

Jennifer M. Becnel-Guzzo, Esquire
Buchanan Ingersol & Rooney, PC
1000 West Street, Ste. 1410
Wilmington, DE 19801

By First-Class Mail:

Elizabeth A. Malloy, Esquire
Buchanan, Ingersoll & Rooney, P.C.
1835 Market Street, 14th Floor
Philadelphia, Pennsylvania 19103-2985

By Certified Mail:

Mr. and Mrs. Emilio Nieves
625 Village Drive
Middletown, Delaware 19709